



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1998

Mr. Juan A. Vega
Escamilla & Poneck, Inc.
1200 South Texas Building
603 Navarro Street
San Antonio, Texas 78205-1826

OR98-3233

Dear Mr. Vega:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121033.

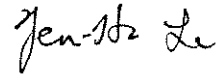
The Harlandale Independent School District (the "district"), which you represent, received a request for eight categories of information relating to its hiring of an Assistant Superintendent of Administration. You state that you will provide the requestor with most of the requested information. However, you claim that the written interview questions are test items which are excepted from disclosure under section 552.122 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.122 excepts from disclosure test items developed by an educational institution, a licensing agency, or a governmental body. In Open Records Decision No. 626 (1994), this office determined that the term "test item" in section 552.122 includes any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated, but does not encompass evaluations of an employee's overall job performance or suitability. Whether information falls within the section 552.122 exception must be determined on a case-by-case basis. Open Records Decision No. 626 at 6 (1994). After reviewing the submitted information, we conclude that, except for question 2, the remainder of the questions do not test an individual's or group's knowledge or ability in a particular area. Therefore, the district may withhold question 2 only under section 552.122.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous

determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 121033

Enclosure: Submitted documents

cc: Ms. Katherine L. Duff, P.C.
23 Meandering Way, Suite B
Round Rock, Texas 78664
(w/o enclosure)